

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERESA FOX and EDWARD ISKRA,
Plaintiffs,

v.

KITSAP COUNTY, a Municipal corporation
of the State of Washington; KEITH
BARKOW; DERRICK CRAWLEY;
CYNTHIA BAKER; and SCOTT P.
RIDDELL,

Defendants.

Case No. C06-5698RBL

ORDER

THIS MATTER is before the Court on Defendants' Second Motion to Compel Discovery [Dkt. #35]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

On October 11, 2007 the defendants filed their first motion to compel answers to interrogatories and requests for production and noted the motion for October 26, 2007. [Dkt. #27]. On October 29, 2007 the plaintiffs filed their untimely response to the motion and indicated that all responses to the discovery requests would be provided by November 5, 2007. [Dkt. #31]. On November 7, 2007 this Court entered an Order denying as moot the motion to compel based upon plaintiffs' counsel's representation. [Dkt. #33].

On November 30, 2007 defendants filed this second motion to compel (properly noted for December 21, 2007) indicating that plaintiff Edward Iskra had provided responses but had not provided

1 promised responses on disks and tapes.¹ The defendants further informed the Court that no discovery
2 responses from plaintiff Teresa Fox have been received. On December 21, 2007 the plaintiffs filed their
3 untimely response to the motion requesting more time to answer on behalf of Teresa Fox due to Ms. Fox's
4 "increased emotional[] stress[] regarding this litigation." [Dkt. #37]. The response does not address the
5 issue of disks or tapes. [*Id.*]

6 The Court is not unsympathetic to Ms. Fox's emotional state; however, the discovery responses
7 were initially due on September 16, 2007. Over three months have passed since that date and plaintiff
8 Teresa Fox failed to comply with her obligations under the discovery rules and plaintiff Edward Iskra has
9 apparently only partially complied with the rules. Defendants seek an order compelling the production of
10 discovery responses from plaintiff Fox and dismissal of her claims if she fails to provide the discovery and
11 seek sanctions in the amount of \$100.00. They seek production of the disks and tapes from plaintiff Iskra,
12 but do not seek the dismissal of plaintiff Iskra's claims.

13 Defendants' Second Motion to Compel Discovery [Dkt. #35] is **GRANTED**. Plaintiff Teresa Fox
14 shall provide complete answers to interrogatories and requests for production on or before January 11,
15 2008. She shall also pay \$100.00 on or before January 11, 2008 to defendants' counsel as a sanction for
16 the failure to timely provide responses to discovery requests. **Plaintiff Teresa Fox is hereby warned that**
17 **the failure to abide by this Order and provide complete responses to defendants' discovery requests**
18 **by January 11, 2008 will result in further sanctions up to and including the dismissal with prejudice**
19 **of her claims against defendants.** Plaintiff Edward Iskra shall provide the disks and tapes to defendants
20 by January 11, 2008.

21 **IT IS SO ORDERED.**

22 DATED this 3rd day of January, 2008.

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25 
26 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
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28 ¹It is unclear from the motion whether the promised disks and tapes from plaintiff Iskra contain different material than
already provided, or contain the same material in a different format.